

Ronald A. Marron (SBN 175650)
ron@consumersadvocates.com
Alexis Wood (SBN 270200)
alexis@consumersadvocates.com
Kas Gallucci (SBN 288709)
kas@consumersadvocates.com
LAW OFFICES OF RONALD A. MARRON
651 Arroyo Drive
San Diego, California 92103
Tel: 619.696.9006
Fax: 619.564.6665

Benjamin H. Richman (Admitted *pro hac vice*)
brichman@edelson.com
J. Dominick Larry (Admitted *pro hac vice*)
nlarry@edelson.com
EDELSON PC
350 North LaSalle Street, 13th Floor
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Attorneys for Plaintiff and the Proposed Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SHYRIAA HENDERSON, on behalf
of herself and all others similarly
situated,

Plaintiff,

vs.

UNITED STUDENT AID FUNDS,
INC. D/B/A USA FUNDS,

Defendant.

CASE NO. 3:13-cv-1845-JLS-BLM
CLASS ACTION

**DECLARATION OF
BENJAMIN H. RICHMAN IN
SUPPORT OF PLAINTIFF'S
RENEWED MOTION FOR CLASS
CERTIFICATION**

Hearing date: July 7, 2016
Time: 1:30 p.m.
Courtroom: 4A – 4th Floor

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2 1. I am an attorney admitted to practice in the State of Illinois, and I
3 have applied for leave to practice *pro hac vice* in this Court for purposes of this
4 action. I am entering this declaration in support of Plaintiff Shyriaa Henderson's
5 Motion for Class Certification. This declaration is based upon my personal
6 knowledge, except where expressly noted otherwise. If called upon to testify to the
7 matters state herein, I could and would competently do so.

8 2. I am the Managing Partner of the Chicago office of Edelson PC, co-
9 counsel for Plaintiff and the putative class in this action.

10 3. My law firm, Edelson PC, is well suited to continue to represent
11 Plaintiff and the proposed Class as Class Counsel. My firm is a recognized leader
12 in class action litigation, with a particular focus on consumer privacy and
13 technology issues, including claims under the TCPA.

14 4. Not only has my firm secured groundbreaking TCPA rulings in cases
15 such as *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 949 (9th Cir. 2009)
16 (confirming the statute's application to text messages), but we have also obtained
17 certification of the largest adversarially certified class in TCPA history, and
18 subsequently obtained summary judgment in the Class's favor as well. *See*
19 *Birchmeier v. Caribbean Cruise Line, Inc.*, No. 12-cv-4069, dks. 241, 421 (N.D.
20 Ill.).

21 5. Further and as reflected in the Firm Resume of Edelson PC, a true and
22 accurate copy of which is attached as Exhibit A, attorneys from Edelson PC
23 routinely serve as class counsel in TCPA actions of similar size, scope, and
24 complexity to the instant case. *See, e.g., Birchmeier v. Caribbean Cruise Line, Inc.*,
25 No. 12-cv-4069 (N.D. Ill.); *Kolinek v. Walgreen Co.*, No. 13-cv-4086 (N.D. Ill.);
26 *Hopwood v. Nuance Communc'ns, Inc., et al.*, No. 13-cv-2132 (N.D. Ill.); *Rojas v.*
27

1 CEC, 10-cv-5260 (N.D. Ill.).

2 6. To date, my firm has dedicated substantial resources to the
3 prosecution of Plaintiff's and the Class's claims and we have, *inter alia*, engaged
4 in significant motion practice (including briefing motions to stay and discovery
5 dispute motions), taken depositions of Defendant's corporate representative and
6 the corporate representative of third-party Navient Solutions, Inc., and carefully
7 reviewed thousands of pages of document production, which included technical
8 user manuals for the predictive dialers at issue, voluminous call records, and
9 lengthy vendor contracts.

10 7. Looking forward, we will continue to devote the time and other
11 resources necessary to represent the interests of the proposed Class, including
12 through trial and any appeals.

13 *

14 *

15 *

16 I declare under penalty of perjury that the foregoing is true and correct.
17 Executed on May 4, 2016 at Chicago, Illinois.

18 /s/ Benjamin H. Richman